

MINUTES of the MICHAELMAS MEETING of CHIEF PLEAS

Held in the Assembly Room, Sark on 3rd October 2007 at 10.00 am.

Present: J.M.Beaumont OBE, Seigneur; Lt.Col. R.J. Guille MBE, Seneschal; A.W.J. Adams, Prévôt; T.J. Hamon, Greffier; Mrs. W. Kiernan, Treasurer; and the Constables.

Members were present as follows: **26 Tenants and 12 Deputies**

Apologies: Sieur Willis.

Opening Remarks

- His Excellency the Lieutenant Governor, Vice-Admiral Sir Fabian Malbon, KBE, attended the meeting. Both he and Lady Malbon were welcomed by the President of Chief Pleas.
- The Seneschal reminded the House that mobile 'phones should be switched off and that photography and the use of recording devices are not permitted whilst the House is in session.
- The Seneschal referred to recent helicopter landings on Sark. The first was a military helicopter and followed an approach by Government House offering the services of the machine and crew. The Société Serquaise took the opportunity to carry out some aerial photography of archaeological features under the auspices of Brian Green who received permission to over-fly the Island to photograph at the Christmas 2007 meeting of Chief Pleas. Two Island residents travelled on the flight to give directions and the helicopter landed briefly to set them down. The House was reminded that a similar military exercise using a much larger Chinook helicopter was carried out a few years ago when a cannon was recovered from the side of a cliff and returned to the top of the Island.
The second landing was by a Trinity House helicopter which brought equipment for the lighthouse. The Seneschal quoted from a 2002 letter which set out the procedure for helicopter landings and from a 2004 letter identifying the Millennium Field as the designated landing site and confirming the procedure to be followed. The Seneschal raised the issue because a number of enquiries had been received about the low flying helicopters and the landings and an explanation was necessary.
- The Seneschal declined Sieur Donnelly's offer to respond to concerns about his Presidency of the Shipping Committee, previously raised by Sieur Baker, as there was a more appropriate place on the agenda to deal with these issues.
- The Seneschal reported the withdrawal of Sieur Raymond from Chief Pleas and his replacement by Madam Raymond who was welcomed to her first meeting. The Seneschal expressed his regrets that this was brought about by the hounding of Sieur Raymond by opposing factions on the Island and he offered his thanks on behalf of Chief Pleas for the difficult and specialised work undertaken by Sieur Raymond. The House endorsed those sentiments.

1 Minutes of the Extraordinary Meeting on 29th August 2007

- 01 Seneschal Asked for any factual corrections and none were offered.
Acceptance of the minutes was proposed and seconded and **APPROVED** by the House.
- 02 Seneschal Asked if there were any matters arising from the minutes.
- 03 Dep. Olsen Page 1, Item 1.04 – confirmed that the issue of whether Brecqhou needed a licence to operate a freight service between Guernsey and Sark had been referred to Dr. Jonathan Spencer as the Reviewer currently undertaking the "Review of Shipping Services".

2 Questions

- 01 Dep. Dewe Referred back to the Christmas 2007 meeting and the issue of accommodation permits. It had been proposed that the cost of future permits would be increased but he had seen no ensuing legislation come before the House.
- 02 Sieur Guille Responded that the matter was with the Law Officers and he had received no indication as to when the necessary legislation would be completed.

3 Douzaine

Election of Members to the Committee

- 01 Sieur Baker The Douzaine nominated Deputy E. Dewe.
There being no other nominations, **Deputy E. Dewe** was **ELECTED** to replace Madam Hester,

- 02 Sieur Baker The term of office has expired for two Douzainiers, Deputies Melling and Armorgie. The contribution of both to the work of the Douzaine was acknowledged and both were willing to stand again for election. It was proposed that they be nominated for a further term.

There being no other nominations, **Deputies Melling and Armorgie** were **ELECTED**.

4 Douzaine Election of Constable

- 01 Seneschal The retiring Constable, Mr. Bateson, declined the offer to add anything to his written report and he was thanked for his two years of voluntary service as first Vingtenier and then Constable and this thanks was supported by the House. The Seneschal acknowledged that it had been a particularly busy period and cited as an example the 19 days of meetings of Chief Pleas that had taken place during that time.
- 02 Sieur Baker Considered it an excellent report and praised Mr. Bateson for the professional way he had carried out his duties. Sieur Baker referred to the many complaints on illegal use of tractors and supported the recent notice issued by the Constable clearly defining procedures for Sunday use.
- 03 Dep. Cocksedge As President of Road Traffic, enlarged on the incident which stemmed from a complaint about a Member of this House using a tractor without permission before 6.00am on a Sunday. That Member then used an Advocate in his defence who interpreted a notice to tractor drivers, issued subsequent to the incident, to cast doubt on the law. The Law Officers advised that to prosecute could be unsafe and proceedings over the incident were taken no further. The new notice issued by the Constable is intended to show zero tolerance to such incidents and it is hoped that Members of this House will not abuse the law in future.
- 04 Sieur Baker The Douzaine nominated the present Vingtenier, Mrs. Julie Mann, to the post of Constable.

There being no other nominations, **Mrs. Mann** was **ELECTED**.

5 Douzaine Election of Vingtenier

- 01 Sieur Baker The Douzaine nominated Mr. Alan Blythe to the post of Vingtenier.
- There being no other nominations, **Mr. Blythe** was **ELECTED**.
- 02 Seneschal The huge commitment of both the Constable and Vingtenier should not be underestimated and they value the support of the community on Sark and the Law Officers in carrying out their duties.
- The swearing in of the Constable, the Vingtenier and the two Douzeniers will take place fifteen minutes after today's session of Chief Pleas ends.

6 Finance & Commerce Committee 2008 Budget and Taxation

- 01 Dep.S. Williams Presented the proposals for the raising of revenue and the disbursement of the same for the calendar year 2008. The required expenditure which has been requested by Committees totals nearly £930,000. Most of the increases are within the banding suggested by increases in the Guernsey RPI with the following exceptions –
- o Education salaries where a scale is applied rather than inflationary increases, but Sark must remain competitive;
 - o Whereas it appears that Public Works has an increased proportionate expenditure, this is covered by extra income;
 - o Health services have increased as we have fallen behind in the provision of locum costs; the present locum still asks for much less than the going rate.
- On behalf of the Finance and Commerce Committee, she asked that a vote of thanks be recorded to the Treasurer, Mrs. Kiernan, and to Mr. Raymond for all their work on this budget. Additionally, Deputy Williams wished to record a personal vote of thanks to Mr. Raymond for all his work on the Finance and Commerce Committee over the years. His expertise will be greatly missed.
- The Committee, through no fault of its own, now finds itself below quorum and without a President. As a result and in order to answer some of the questions, she called on the Seneschal to allow the Treasurer to speak in answer if appropriate.
- 02 Sieur D. Spence Assumed that the last bullet point on the first page should be £ and not \$. Noted
- 03 Sieur Rang Considered there was a need for better housekeeping to reduce tax levels and drew attention to the £11k for heating and lighting of Island Buildings (20) – up from £9k last year.

- 04 Treasurer Pointed out that this was all buildings, the Visitor Centre, the Assembly Room and the Committee Offices.
- 05 Sieur Rang Considered that such budgets should be held at last years levels. Similarly, the grant (40) to the Island Hall (£8k) – next year the Trustees should do without a grant. The bids for capital expenditure should be reported to Chief Pleas ahead of their inclusion in the budget. The Douzaine request for a road mending machine (61) at £13k should have been requested through a report to Chief Pleas explaining what it was and why it was needed.
- 06 Seneschal The Trustees capital request (62) of £16k was £20k less than the original proposal considered and followed the course of action suggested by Chief Pleas at Easter 2007. It was acknowledged that a further report should have preceded inclusion in the budget.
- 07 Sieur Jackson Asked for lights to be switched off to reduce costs.
- 08 Dep. Melling Pointed out that the £8k for Island Hall maintenance (40) was nothing to do with the running of the Hall and compared favourably with the £12k required for other Island Buildings.
- 09 Seneschal For clarification does Island Hall maintenance include the school?
- 10 Dep. Melling It includes the outside and immediate surrounds of the whole building.
- 11 Mdm. Magell School internal maintenance, heating and lighting is shown separately at (3).
- 12 Sieur Harris Enquired after the £1k for the Seneschal's Court expenses.
- 13 Seneschal To purchase law books as updated, previously dealt with from the unforeseen expenses budget.
- 14 Sieur Teers What is the £65k for Shipping (17).
- 15 Treasurer This is the annual figure approved 4 or 5 years ago by Chief Pleas. It covers interest and future repayments of the bank loan of £500k taken out by Chief Pleas to lend on the IoSS as finance for the new vessel.
- 16 Sieur Teers What about £21k for Harbours (33) - is this work put out to tender?
- 17 Sieur Rang All work over £2k in value is put out to tender.
- 18 Seneschal Last year there was a proposition to raise the threshold to £1k and Chief Pleas agreed to change the proposition, voting to increase the threshold to £2k.
- 19 Sieur Teers What is income from the Old Island Hall (75)?
- 20 Treasurer Income from storage and the rent from the living accommodation.
- 21 Seneschal There is currently a Trust in place. It was approved earlier this year for the Trust to be dissolved and the income credited to the public purse. The Trust can still assist with maintenance.
- 22 Sieur Spence Why is depreciation included in the budget when it doesn't involve the movement of cash?
- 23 Treasurer Because we need to raise the cash to finance capital expenditure.
- 24 Sieur Donnelly Has asked for the Trustees' accounts for the New Island Hall but the only response is that they don't need to respond. The Trusts need to be more accountable as they are owned by the public and not Chief Pleas. Affairs must be conducted so that the public can be satisfied.
- 25 Sieur Baker The capital expenditure for a road mending machine has been under discussion for a number of years. A visit to the UK is being planned soon to look at appropriate machinery
- 26 Sieur R. de Carteret Salary of the Harbourmaster (34) is shown as only £7,175 but the rest is paid by IoSS. We should be told the full salary.
- 27 Sieur Donnelly It has been suggested in Harbours Committee that outgoings and income should be credited directly to Harbours.
- 28 Treasurer The Island pays the Harbourmasters salary and collects the income from IoSS and what is shown is the net expenditure to the Island.
- 29 Seneschal Finance and Commerce Committee will no doubt take that issue on board.
- 30 Treasurer The 2007 financial statement will show the income receivable from IoSS and the gross amount paid for salaries and expenses of the harbour.
- 31 Sieur Spence Better to have total transparency.
- 32 Sieur Rang The expenditure at the Harbours is calculated on a day/work basis and outgoings are watched carefully. The cost of this office for heating and light is £75 per week.
- 33 Seneschal There is a need to keep the offices at a constant temperature to avoid the deterioration of archive material. The offices are also heated by an ancient boiler.
- 34 Sieur Jackson We should be investing in solar power for heating with such a huge roof space.
- 35 Seneschal An Island benefactor is needed – such investment was unaffordable when originally built.
- 36 Dep. Melling Confirmed that fact.
- 37 Dep.S. Williams Confirmed that all the heating and lighting used within the Island Hall is all paid for by the Hall Management Team.
- 38 Sieur Rang Income should be realised from the flats at the Hall.

- 39 Seneschal One is already earmarked for the fourth teacher rather than renting property but the cost of completing and fitting out the accommodation prohibits their use at present.
Let us go to the seven propositions -

Proposition 1: CARRIED

That the rate of Property Tax be increased to £6.30 per quarter for the year 2008.

Proposition 2: CARRIED

That the minimum rate of Personal Capital Tax be raised to £210 and the maximum rate of Personal Capital Tax be raised to £4,200.

Proposition 3: CARRIED

That the forfait factor for the calculation of Personal Capital Tax be increased to 4.0.

Proposition 4: CARRIED

That the percentage of net assets for the calculation of Personal Capital Tax be increased to 0.4%.

Proposition 5: CARRIED

That Chief Pleas approves the Ordinance entitled The Direct Taxes for 2008 (Sark) Ordinance, 2007.

Proposition 6: CARRIED

That Chief Pleas approve the payment of £1,000 to St Peter's Church Appeal, being an allocation from the 2007 Provision for Unforeseen Expenditure.

- 39 Sieur Baker Mr. Kendall is willing to serve and I will continue to support him, which is an enjoyable exercise!
In the Tax Law, Sieur Baker is employed by Chief Pleas but is not paid and will not request any payment for assisting.
- 40 Dep. Melling Asked the length of term for the position and this was confirmed as five years.

Proposition 7: CARRIED

That Chief Pleas approves the appointment of Trevor Kendall as Tax Assessor and Edric Baker as Assistant Tax Assessor for a further term.

- 41 Sieur Gomoll Asked that in future indication should be given in the budget report of the implications for the standard taxpayer of the increases proposed.
- 42 Treasurer Agreed.

7 Deputy Plummer & Sieur Baker Censure Motion

- 01 Dep. Plummer Explained that the reason for submitting this motion was the amount of concern shown by the public over the way recent property transactions had been conducted.
- 02 Sieur Baker Supported the motion and agreed the disquiet that was felt by what had transpired and he quoted from the Seigneur's statement, circulated to all Members of Chief Pleas. Sieur Baker deplored the way the Seigneur had been treated in this matter.
- 03 Sieur Jackson Agreed with the motion but felt it was not politely put.
- 04 Sieur Teers Was reminded that he had a pecuniary interest.
The Seigneur's letter dated 25th September followed a court case in Guernsey and he asked for Items 7 & 8 to be withdrawn as they had no relevance.
- 05 Sieur D. Spence Declared an interest.
The transactions were arranged before the transfer of Treizième to the Island and would only have been paid to the Seigneur who has done nothing for this Island.
- 06 Dep. R. Dewe Stated that there are only two things certain in this life – one is taxation the other is death. He did not like the prospect of either but he paid his taxes on time with honesty and, before he falls off his perch, he would like to believe that his years in Chief Pleas have been for the benefit of the population of this Island because that is what he has always strived to do, unlike some of the Members of this House who have contrived to avoid paying the 7.68% tax due to the Treasurer on the true purchase price of their properties. Cheating the taxman is seen as fair game and being clever, but it results in others having to make up the shortfall in revenue, which sadly is the same the world over. One wonders, if they are true lovers of Sark or just using it for their own ends. If the Treizième is unlawful, then why are the purchasers prepared to pay it on £25,000 and have gone to such lengths to reduce the levy. He asked if double standards were being applied.

Dep. R. Dewe
Continued -

Deputy Plummer and Sieur Baker, in bringing their censure motion, have done so for the right reasons, both local born, they really have the future of this Island at heart. This Assembly should support them by showing their distaste to the actions of some and by voting in favour of their proposition. These perpetrators should be ostracised by us and shown up for what they are, and he did not need to spell out who they are as they will recognise themselves by their actions or reactions. They are abusing their position in the House and are giving Chief Pleas a bad public image, at home and abroad. Perhaps, that is their ultimate aim. We and the public should shun them at every opportunity. Then maybe they will get the message, that what they are doing is morally wrong and they should take no future part in governing Sark.

At a well attended informal pre-Chief Pleas public meeting on Monday, there was an overwhelming consensus of opinion in favour of this agenda item, with only one voice of dissent and that was from one of the persons behind this unacceptable act.

Deputy Dewe went on to say that he was not a serf or influenced by business, religion or communism, just a free thinking person that knows right from wrong when seeing it, and is prepared to stand up for what is right for Sark and will be supporting the proposition.

He reminded the House that the next General Election is only a little over a year away and taxation will be a big issue. For the first time all the candidates for election to the new House will be accountable to the electorate.

07 Sieur Donnelly Agreed the need to abide by the law but not sure whether the law had been broken here. He went on to refer to an unsigned letter circulated to Chief Pleas Members and purporting to come jointly from the GP&A and F&C Committees.

08 Seneschal Confirmed the authenticity of the letter which was meant to inform Chief Pleas Members of the recommendation that the two Committees were making to the Seigneur. Both Committees were quorate at the time the letter was sent out.

09 Sieur Donnelly Without that recommendation, Chief Pleas would potentially be the recipient of a liability for the costs of litigation. He went on to ask Sieur Baker if he would put his cards on the table as to how much he paid for his tenement.

10 Seneschal Said there was no need for that question to be answered only that Sieur Baker had paid the amount required by the customary laws of Sark.

11 Sieur Gomoll Declared an interest.
Asked what the motion was attempting to achieve. Is it a vote of no confidence in individuals on Committees or from this House? He has offered his resignation to his Committees and has been asked to stay on. It appeared that there was a mixing up of private and public dealings. Have this debate by all means but this motion is just attempting to name and shame.

12 Sieur Spence Questioned who is supposed to pay the Treizième – the purchaser or the holder of the tenement?

13 Seigneur Previously it was the owner of the tenement but now it tends to be the purchaser.

14 Mdm Rang Confirmed this, remembering that it had been her father who had paid.

15 Seneschal It would have been easier if that had remained the custom.

16 Dep.S.
Williams Supported the proposition, the public feel cheated and cannot understand how the tenants can represent the people.

17 Dep. R. Dewe How can these people be trusted again?

18 Sir Peter
Miller Many of these issues stem from the outcome of the Surcouf v de Carteret case which created uncertainty and without explanation of the ruling. It has been said that the Seigneur has done nothing for this Island, an assertion with which many do not agree. The law of Sark is principally customary law and until now respected as such.

19 Dep. Olsen Supported Sir Peter. The public were asking why are taxes being raised when these people are getting away with paying less than their dues.

20 Seneschal Gave Deputy Plummer and Sieur Baker the option of withdrawing their propositions in the light of the comments.

21 Dep. Plummer Respects Sieur Gomoll in his offering to resign from his Committees and understood the value of his expertise which has been appreciated by the Committees involved.

22 Sieur Gomoll If these propositions are supported, what are the consequences and how can it be practically achieved. Sieur Spence will still remain a Member of this House.

23 Seneschal Highlighted the second paragraph and concluded that, as written, if the proposition was accepted then the interpretation would be that those involved would need to withdraw from this House or Committees. There is no legal power to stop any Tenant sitting in this House.

24 Sieur Gomoll If persons involved resigned from the Committees on which they served, there is still no way of resigning from the House.

25 Sieur Jackson Understood that Members of Chief Pleas had to be British subjects.

26 Seneschal That is correct but accents do not count.

- 27 Sieur Donnelly Raised a point of order and asked for due decorum. The proposition was attempting to suspend the Rule of Law. It will backfire on the proposers as to their fitness to sit in this House.
- 28 Dep. R. Dewe Resignations go to the Seneschal and the President of the Committee. There are also Tenants who choose not to sit in this House.
- 29 Sieur Baker Made a request for a short recess to discuss the debate with Deputy Plummer.
- 30 Sieur Teers Deputy Dewe says that those involved should be named and shamed.
- 31 Mdm. Carré Supported the Seigneur in every way. She still lives on the same tenement and no Seigneur has ever received any income from her family since 1600 when the tenement was first allocated. Unless the Letters Patent are declared null and void the situation has not changed. Why should one of the 39 Members of this House, because of the money available to him, dictate to all the others?
- 32 Mdm. Perrée The same applied to her and her family and she gave every support to Madam Carré.
- 33 Sieur Rang Didn't condone what has been going on but has problems with the proposition as it stands. Is not a simple vote of no-confidence possible? This would not have occurred if the House had been sympathetic ten years ago when he and Deputy Melling tried to introduce a Property Tax.
- 34 Mr. Perrée Sought clarification – is it the purchaser who is paying the Treizième?
- 35 Seneschal By custom it is but originally it was the seller who paid. Now the Court in the main takes the Treizième from the purchaser. It has been the custom to do it that way since World War 2.
- 36 Sieur Jackson Isn't Sieur Donnelly from Southern Ireland?
- 37 Sieur Donnelly When his father was born in Ireland, it was part of the British Empire. He declared that he had a British passport.

A ten minute recess was taken at 11.40am

- 38 Dep. Plummer Considered it had been an interesting debate on a raw subject. She went onto suggest a change to the wording of the proposition with a view to removing the resignation clause.
- 39 Seneschal Asked for clarification as to whether this remained a censure motion? Yes or No?
- 40 Sieur Baker Was seeking a compromise solution.
- 41 Seneschal Asked again, having heard the debate, what words were the proposers intending to remove? He suggested that Sieur Baker and Deputy Plummer leave the chamber and return with a revised form of words.
- 42 Dep. Plummer Returned having decided to make no change to the proposition.
- 43 Sieur Baker
Seneschal Took the House to a named vote as called for in the proposition.

Proposition:

That the Tenants and Deputies unite, by showing their disapproval of the despicable act by some Tenants bringing this House into disrepute by conniving to circumvent payment of the full Treizième. This is being done by the vendors deliberately granting long leases on their properties, thereby reducing the true value of their Tenements or, in one case, a freehold, prior to the sale to the lessees.

By their actions, these Tenants are depriving the Treasurer of a considerable amount of revenue, thereby increasing the possibility of other taxes being raised to the detriment of other Sark residents. These Tenants are not worthy of the title of Sieur/Madame or being part of this Government and we call for their immediate resignation from any Committee or position that they may hold.

A named vote is called for, to deter any further Tenant using this method of reducing the amount of tax due to the Treasurer.

The named vote produced – **23 Pour 11 Contre 4 No Votes** **THE PROPOSITION WAS CARRIED**

- 44 Seneschal Chief Pleas is therefore calling for the resignations of all those involved holding Committee positions. Resignations should be made to the Seneschal with copies to the President of the Committee.

**8 Deputy Olsen & Sieur R. de Carteret
Incombring & Overcharging**

- 01 Dep. Olsen Explained that the spelling of the word incombring is taken from *The Fief of Sark* and originates from the Letters Patent.
Assigning a sub-lease should only be with the permission of the Landlord. The Seigneur holds supreme tenancy of Sark from the Crown and we believe that any variation in holding can only occur with permission from the Crown. The Letters Patent may be changed by Projet, but not by casual circumstance or generalisation from Royal Court decisions that arose from specific conditions. Deputy Olsen likened it to his own personal lease on the property he possesses. He is free to do a deal with anyone to transfer that lease assuming that his wife agreed as well but it has nil effect if his landlord does not agree to assign his lease to anyone else.

Dep. Olsen
continued -

We call it a prerogative of party agreement and accept it. This is like the present situation where congé is requested for conveyances which hinder or diminish or abate tax or other contributions to the Crown, to the Seigneur and/or to the community.

Tax is a concern but the question is wider than just tax. Defence, habitation and indivisibility are also key contributions to the Crown, to the Seigneur and to the community. The Letters Patent still require Sark to provide forty armed men. Tenements must provide for habitation of Tenants and divisibility of tenements jeopardises their habitability. A 150 year-long lease over 100% of a tenement hinders, diminishes and abates the contributions and services to the Crown, the Seigneur and the community.

The Crown should be consulted now for clarification and to assist and to enforce the terms of the master lease. The Lieutenant Governor and the Seigneur should have a private, face-to-face meeting with Sark's landlord, with Her Majesty the Queen.

We put forward two propositions urging the sub-lease givers to re-form the proposed leases and conveyances so that the Seigneur can readily grant congé in accordance with the Letters Patent and if this is not done, we recommend that Chief Pleas advise the Seigneur to ask the Crown for guidance.

If we have no control or finance, then maybe Sark should go under Guernsey or directly under the Crown.

02 Sieur R. de
Carteret

Supported the propositions and has paid Treizième in the past and his seigneurial rent.

03 Mdm. Rang

Agreed entirely – it was difficult to censure people if the law is unclear. She is disgusted with the way the Seigneur has been treated. When there is a problem with a property you go to the Landlord. The Crown should give direction.

Proposition 1: CARRIED

That the Chief Pleas takes the view that the sale of any tenement or freehold ought not to contravene the Letters Patent of James I (1611) with the effect, intended or otherwise, of depriving the Crown or the Seigneur or the inhabitants of lawful contributions to the common good of Sark for the benefit of the community and its inhabitants.

Proposition 2: CARRIED

That the Chief Pleas takes the view, in order to maintain and uphold the Letters Patent of James I (1611) and in accordance with Sark's Human Rights Law to control the use of property in accordance with the general interest and for the benefit of the Island and its inhabitants, that the Seigneur be asked to request the Crown to declare any lease void and without effect if that lease intended or otherwise deprives the Seigneur or the Island of taxes or other contributions.

9 Sieur D. Spence & Madam Hester

Congé

01 Seneschal

Madam Hester is not in the House nor has she sent apologies. He was willing to accept another seconder from the floor.

02 Seneschal

Read out the Rules of Procedure 12 relating to declaring an interest -

Where any Member of Chief Pleas has a direct pecuniary interest, being an interest which is immediate and personal and not merely of a general or remote character, in the subject submitted to the Assembly, he shall, as soon as practicable, declare his interest and withdraw from the Chamber during the consideration of and voting on the issue save that, at the request of another Member, supported by a simple majority of Chief Pleas, he may stay during the consideration of the issue but not vote. Every declaration made in pursuance of this section shall be recorded in the Minutes of the Meeting.

He pointed out that under this rule, the direct pecuniary interest involved by the following tenants - Sieurs C. & D. Spence, Mdm. Hester, Sieur Teers, Sieur Gomoll. Sieur Steinmetz – allows for the interested parties to remain in the chamber on a simple majority vote, I would hope that the Tenants concerned will withdraw of their own volition. I would also hope that any other Tenant in the Chamber today who is currently dealing with sales on the same basis as the aforementioned Tenants, will also withdraw as they have a direct pecuniary interest.

03 Sieur Gomoll

Declared a wider interest and will withdraw as he is in discussions for a sale.

04 Sieur D.
Spence

Following the earlier debate, he was no longer worthy of being addressed as Sieur. He referred to the unsigned letter dated 25th September from the GP&A and F&C Committees recommending the Seigneur to grant Congé. If the Seigneur has agreed to this request, then this Item and the propositions will be withdrawn.

05 Dep. Melling

Requested that Chief Pleas consider suspending the Rules of Procedure.

- 06 Dep. Melling There is no update on the letter. The Treizième has been assigned to Chief Pleas. At a recent Court Hearing, congé was not granted. Confidential advice has been given by the Law Officers and this was issued to the Members of both Committees at a joint meeting, collected back afterwards and safely filed. The Committees now need their action and the subsequent recommendation approved by this House.
He read an alternative proposition to those submitted for this item.
- 07 Seneschal Enquired whether Sieur Spence wished to take any action at this stage to which the answer was no.
The Seneschal then invited an alternative seconder in the absence of Madam Hester.
- 08 Sieur Donnelly Accepted that responsibility.
- 09 Seigneur Having received the recommendation from the GP&A and F&C Committees, he has agreed to grant Congé and his grants are with the Greffier..
- 10 Sieur D. Spence Withdrew his propositions.

Proposition 1: WITHDRAWN

That Chief Pleas resolves not to fund the Seigneur's litigation with the Barclay family concerning the giving or withholding of Congé.

Proposition 2: WITHDRAWN

That Chief Pleas directs the Seigneur to grant Congé for the Barclay family transactions in respect of the Rondellerie and Vieux Port Tenements and the Clos Messervy Freehold forthwith, on condition that Treizième is first paid in respect of the £25,000 purchase price for each title.

Proposition 3: WITHDRAWN

That Chief Pleas directs the Seigneur to grant Congé in like circumstances for future transactions, whether with the Barclay family or otherwise until Congé and Treizième are abolished and property transfer tax comes into force.

- 11 Seneschal Returned to Deputy Melling's request for the suspension of the Rules of Procedure which the House granted.
- 12 Sir Peter Miller Asked how it was possible to consider future property transactions in a different light?
- 13 Dep. Melling Requests for congé would still be made of the Seigneur who would pass any such request to the Joint Committees which would consider and return a recommendation to the Seigneur.
- 14 Seneschal The Seigneur has handed over his right to Treizième to Chief Pleas. Ultimately, this will be superseded by the Property Transfer Tax but during the interim stage, the GP&A and F&C Committees will advise the Seigneur.
- 15 Mdm. Rang The House has just asked the Seigneur to consult with the Crown, so how can we vote on this proposition?
- 16 Seneschal Any interim property transfer would be retrospectively void if advice by the Crown was contrary to the present action. The Seneschal advised that he would be holding a conveyancing Court on Friday 5th October.
- 17 Sieur Gomoll Was in favour of the Committees conferring with the Seigneur but it must be the Seigneur who grants congé after he consults with the Committees.
- 18 Seneschal In the Seigneur's statement, he asked for Chief Pleas to direct and advise him on the granting of congé. What the Committees are asking in the proposition drafted by Deputy Melling is that Chief Pleas endorse the recommendations made by the Committees and empower the Joint Committees to act on its behalf on any future requests.
- 19 Sieur Baker Do we know whether a petition to the Privy Council has been made in respect of the Property Transfer Tax legislation?
- 20 Seneschal Both the Property Transfer Tax and the Reform Law legislation have been petitioned by Sir David and Sir Frederick Barclay. A counter petition has also been lodged by another individual from Sark. In a discussion with the Ministry of Justice yesterday, it was understood that the petition from Sir David and Sir Frederick was submitted quite late but within the time limit. It had been hoped that the Privy Council would have considered the legislation on 10th October but as both petitions are being assessed, it has delayed the legislation to the Privy Council meeting in November.
- 21 Dep. S. Williams Is it now too late for the Seigneur to withdraw his consent to granting congé?
- 22 Seneschal (After conferring) The Seigneur wishes to remain silent.

- 23 Sieur Harris Stated that he had no knowledge of the advice given to the Committees as to whether the Seigneur should grant congé. He had independently analysed the position applying general legal principles. He had reached exactly the same conclusion, namely that congé should be granted so as to avoid litigation.
The Barclay family had structured matters in accordance with careful legal advice. It had been open to them to challenge the principle of congé directly by seeking to make full payment for a tenement and taking matters to litigation, with a substantial sum at issue. They had chosen not to do so.
They had instead purchased long leasehold interests and stated their intention of acquiring the freehold reversions thereafter for £25,000. Consequences flowed from this. Tenancy arrangements were legal relationships which a Court would find hard to ignore. The tenancies had been granted before the introduction of Property Transfer Tax ('PTT').
He asked the House to assume that the Seigneur withheld his congé and that the Barclay family litigated and was unsuccessful in litigation. What was then the position? By that stage PTT would probably be in effect. Congé having been withheld it was entirely open to the Barclays to resubmit the transfers of the tenements under the new PTT legislation. This legislation could not have application to the grant of the leases as they were granted before its introduction. The most that could be hoped for was nominal duty on the transfer of the tenements. Litigation generated the most substantial risks for Chief Pleas in exchange for only nominal amounts of duty. Notwithstanding concern over the loss of tax revenue to the Island, he was convinced that the right decision was that congé be granted.
- 24 Sieur Gomoll Requested a definition of the properties requesting congé.
25 Seneschal La Rondellerie, Vieux Port, La Friponnerie tenements and the freehold of Clos Messervy, all being sold for £25k per property. La Jaspellerie, La Moinerie and La Ville Roussel de Bas are coming to Court on Friday but the Committees must meet to consider these additional requests.
- 26 Sieur Donnelly Asked whether it was likely that any litigation would be brought against Chief Pleas
27 Seneschal No.
28 Mlle. Perrée Chief Pleas should never have gone down this avenue
29 Sieur R. Reminded the House of their approval of Proposition 1 in Item 8 where reference is made to any tenement or freehold.
30 Seneschal Cautioned against treating conflicting propositions in a vacuum.
31 Dep. Melling Repeated his proposition on behalf of the GP&A and F&C Committees which was seconded and then put to the vote –

Proposition: CARRIED

That Chief Pleas endorses the action of the GP&A and F&C Committees in that they, having taken legal advice, recommend to the Seigneur that he should grant Congé on the properties already applied for conveyancing in the Seneschal's Court. That Chief Pleas also empower the two Committees to consider further requests for Congé from now on and advise the Seigneur accordingly on each occasion.

- 32 Dep. Melling Requested the reinstatement of the Rules of Procedure which was supported by the House.

A break for lunch was taken at 12.55pm with a resumption of business at 2.00pm

**10 General Purposes and Advisory Committee
Dissolution of the Brecqhou Liaison Sub-Committee**

- 01 Sieur Donnelly Reports were prepared for Chief Pleas and were submitted to the GP&A Committee but they did not materialise beyond the Committee.

Proposition: CARRIED

That the Brecqhou Liaison Sub-Committee of the General Purposes and Advisory Committee be withdrawn from the inventory of Chief Pleas Committees.

- 02 Seneschal Asked the Chairman of the Sub-Committee to pass all relevant papers to the GP&A Committee.

11 Road Traffic Committee Harbour Hill Transport

- 01 Dep. Cocksedge Reported that Messrs. Peter and Iain Cox have been consulted and their comments have been incorporated into this finalised version of the contract.
Mr. Colin Guille has requested a late change to the contract with the inclusion of his sons, Messrs. John and Peter Guille being co-signatories. Otherwise the contractors were satisfied with the contract document as now drafted.
- 02 Dep. Olsen Proposed that Sieur Guille be allowed to remain in the chamber during the discussion but without the right to vote. The proposition was **CARRIED**.
- 03 Sieur Curtis for Sieur R. de Carteret Sieur R. de Carteret was unable to attend this afternoon and left a statement to be read out.
“Since I could not speak regarding the Bus Contract at the last Chief Pleas, I could not believe the comments made by this Assembly or that no one asked any questions when the Chairman said there had been numerous complaints about the bus. These include the driver being under the influence of drink, abusive to passengers, drivers not on the list approved by the Committee and fares increased by 5p without reference to Committee first. People complained the following day but it was too late to do anything about it by either the Committee or the Constable.
To cap it all, Chief Pleas made the decision that it would only go out to tender if the current holder of the contract does not want to continue. Surely every member of the public should have the same opportunity and as for the Finance Committee not getting any money from a monopoly, yet they are willing to put the tax up to the public and double the bicycle tax because the Island needs more income. It is beyond belief! The first I saw anything between the Finance Committee and the Road Traffic President was in the Chief Pleas papers. What other input was there from other Members of the Road Traffic Committee?”
- 04 Sieur Jackson Every tractor should have a breathalyser attached to the ignition switch.
- 05 Sieur Rang In Clause 10, the times should not be specified as they vary throughout the year; better to read first and last boat and that consumption of alcohol by the driver is banned during that period.
- 06 Dep. Cocksedge Accepted that amendment.
- 07 Mlle. Bull Observed a teenage bus passenger grabbing at overhanging branches on a recent trip on the transport which she thought dangerous.
- 08 Sieur Donnelly Directed her to Clause 17 but it was the responsibility of the driver to stop such behaviour.
- 09 Dep. Melling In Clause 22 it states that appropriate compensation will be paid should the trailer be requisitioned for another operator if the contract is suspended or terminated by the Committee. Where will this compensation come from in such an event?
- 10 Dep. Cocksedge Could not offer an explanation.
- 11 Seneschal Recommended its deletion until the Committee had resolved a source for compensation.
- 12 Sieur Rang In Clause 9, what is meant by appropriate licenses?
- 13 Dep. Dewe There is nothing other than a standard tractor licence.
- 14 Dep. Cocksedge Made two amendments to the propositions, adding “...*incorporating the issues agreed in the House today*” and “...*(Messrs. Colin, John and Peter Guille)*” to Proposition 1.

Proposition 1: CARRIED

That Chief Pleas accept the final versions of the contract document, incorporating the issues agreed in the House today, that these be offered to the incumbent operators for signature and are introduced from 1st November 2007 for Bus 1 (Messrs Peter & Iain Cox) and from 15th March 2008 for Bus 2 (Messrs. Colin, John & Peter Guille).

- 15 Dep. Cocksedge Explained that the reason for Proposition 2 was to ensure that the existing Island-owned bus trailer remains available until the new trailers are in operation in order to provide an operating back-up should something go wrong with the replacement procedure or with the contractor's provision. The Committee considered that this was a necessary safeguard.

Proposition 2: CARRIED

That Chief Pleas amend the resolution made at the Easter meeting to read –

“*That Chief Pleas instruct the Road Traffic Committee, once both replacement bus trailers are in operation, to seek a valuation of the Island-owned trailer bus, and to offer it for sale, giving the current operator first refusal*”.

12 Report by Sieur Donnelly, President of the Shipping Committee Public Meeting on 6th September

- 01 Sieur Donnelly Chief Pleas, at the Mid-Summer meeting, made a request that a public meeting should be held to discuss shipping issues. He had continued to have problems obtaining information from the Directors of IoSS about the new boat. The vessel has now been removed from the yard and the builder has been taken up for fraud with litigation ensuing. Sieur Donnelly had been anxious to take the vessel out of the yard to avoid it being impounded and it was now in Appledore. This had been achieved with the help of Mr. Gary Ward (Brecqhou) and Mr. Cladish at Appledore, who has rescued the situation. Sieur Donnelly had paid for a Member of the Shipping Committee to view the vessel and things are now moving ahead.
- He wished to offer his apologies to Mr. William Raymond, a Director of IoSS who, during his time as a Member of this House, he regularly badgered for the latest information.
- He was not worried that he was being thrown off the Committee and he thanked Mr. Adrian Guille, also a Director of IoSS, for his support at the public meeting.
- He referred to the Shipping Review and accepted he was under fire personally because he wanted to answer the questions asked by the Reviewer. This had caused disunity with the rest of the Shipping Committee and for that he apologised. The Reviewer had allowed an extension of the consultation period to allow anyone attending the public meeting to make comments. In the event it was only himself who had submitted a further personal representation and also the Committee Secretary, in his capacity as an Island resident, who made comment.
- The Winter 2007/8 and Summer 2008 timetables were unavailable for the public meeting.

13 Petition by Seven Members of Chief Pleas Sark Shipping Committee

- 01 Seneschal Quoted Rule 17 of the Rules of Procedure –
1. *If any seven Members address a petition in writing to the President that a motion of no confidence be laid before Chief Pleas, the President shall include the motion in the Agenda for the next Meeting.*
 2. *For the purpose of this rule a “motion of no confidence” is one that requires the immediate resignation of all Members of a Committee of Chief Pleas, including the President of that Committee.*
 3. *Where a motion of no confidence is brought against a Committee the President of that Committee shall have the right to reply to the debate immediately prior to the reply by the proposer and this in addition to his right to speak in response to the proposition.*
 4. *Where a motion of no confidence in respect of a Committee is approved by Chief Pleas; all Members of that Committee including the President thereof shall thereupon be deemed to have tendered their resignation from such membership and those resignations shall be deemed accepted by Chief Pleas. The motion shall be deemed to include such propositions to Chief Pleas as may be appropriate for the election at that Meeting of new Members of the Committee and a President thereof; to complete the unexpired portion of the term of office (if applicable).*
- 02 Sieur Baker Referred to the last meeting of Chief Pleas when it became apparent that the President of the Shipping Committee had made an official submission to the Reviewer on behalf of the Committee without ever seeking their approval. This was totally unacceptable. The submission made no mention of or support for IoSS. His second submission contained inaccuracies and he had continually attacked Mr. William Raymond as a Director of IoSS.
- 03 Sieur Donnelly The Shipping Committee has no proper function until it takes responsibility for the shares. He admitted mistakes had been made and apologised for being so hard on Mr. Raymond. The BBC report said the Mr Raymond was in charge – if the situation is recovered then Mr. Raymond’s work will be appreciated. It has been a nightmare scenario.
- 04 Seneschal Mr. Raymond has resigned as a Member of this House and is no longer able to defend himself.
- 05 Sieur Jackson Has the new boat been named yet?
- 06 Seneschal It is named the *Sark Viking* but there has not yet been a formal naming ceremony.
- 07 Sieur Jackson Suggested it should be named “*White Elephant 2*”.

Proposition:

A vote of no confidence in the Sark Shipping Committee.

The named vote produced – **26 Pour 1 Contre 10 No Votes** **THE PROPOSITION WAS CARRIED**

- 08 Seneschal Called for nominations to elect a new Committee.
- 09 Sieur Baker This whole business has shown a lack of trust and the Deputies have been unanimous in their vote which reflects the public's view. He proposed the following -
Sieur Hurden, Sieur S. de Carteret, Deputy Olsen, Deputy Melling and Deputy Le Lievre.

These names were seconded and there being no other nominations were **ELECTED**.

The Lieutenant Governor and Lady Malbon left the meeting at this point to return to Guernsey

14 Sark Shipping Directors

Sark Shipping Timetables and Freight & Fare Structures for Winter 2007/8 & Summer 2008

- 01 Sieur D. Spence Following comments made at the public meeting the timetables circulated with the original Chief Pleas papers were edited and sent out with the circulation of late papers. The new version has the words Revised Proposal (B) in the top right corner.
- 02 Dep. Olsen Representations have been made about the necessity for two round trips to operate on Sundays in the shoulder months of the Summer season.
- 03 Sieur D. Spence In the early period of this year, these trips brought many people and made money for IoSS.
- 04 Mlle. Perrée Supported Sieur Spence's comments.
- 05 Dep. S. Williams Asked whether the format of the winter timetable could revert to the familiar layout showing a listing for each day of the week.
- 06 Sieur D. Spence Conceded to the request.
- 07 Sieur Guille The Sunday return from Sark at 1800 was too late and it should be an hour earlier. This was supported by Mlle. Perrée and Mlle. Bull.
- 08 Sieur Gomoll The Winter non-shopping Saturday timing was too late for connections to flights in Guernsey.
- 09 Dep. Le Lievre If the age range for children has no lower limit, could an infant fare be offered?
- 10 Sieur D. Spence Confirmed that infants under three years of age travel free.

The Timetables and Freight/Fare Structures were **ACCEPTED** with the request that consideration be given by IoSS to the points raised above.

- Dep. Melling Asked if Item 24 could be advanced up the agenda in case the sitting went to a second day. The request was **ACCEPTED**.

24 General Purposes & Advisory Committee

Forfeiture

- 01 Dep. Melling Introduced the report and explained that this legislation was impossible to operate as a Sark Law and asked the House to approve the Bailiwick-wide Projet de Loi attached.
- 02 Mlle. Perrée Felt that Chief Pleas look at this more carefully and not give way to Guernsey on so much legislation.
- 03 Seneschal Noted the work of the GP&A and F&C Committees and their discussions with Guernsey.
- 04 Dep. Olsen Lengthy negotiations have taken place with Guernsey and the legislative prerogative of Sark is retained in Section 63/4. If Sark doesn't approve it doesn't go forward. The legislation will help bring Sark up to date with International Finance law; Sark receives all the benefits and control from this legislation but without the cost.
- 05 Sieur Gomoll That is not how he read it – the States of Guernsey approve it but Sark can withdraw its involvement.
- 06 Sir Peter Miller This issue was raised in 1977. He supported Sieur Gomoll's interpretation.
- 07 Dep. R. Dewe Section 63/4 refers to the subsequent ordinances not the primary legislation. Sark must be part of these international safeguards or is it wishing to support terrorism?
- 08 Sieur Gomoll This is all to assist the International Monetary Fund (IMF) visit. Guernsey has not given Sark civil responsibility to manage the law and there are no benefits accruing from Guernsey for accepting this legislation.
- 09 Sieur D. Spence This is important legislation and the House has been given short notice.
- 10 Seneschal It was agreed only 10 days ago, delayed by the negotiations and consultations between Guernsey States and the GP&A and F&C Committees
- 11 Sieur Harris All the points raised have been taken on board and he agreed that Guernsey have sabotaged Sark's independence. However, this is not the Law on which to confront Guernsey. Jersey and the Isle of Man (IoM) are trying to get their house in order in readiness for the IMF visit. With the inclusion of Clause 63 (5), GP&A should be congratulated on achieving the wording. He will be supporting the proposition.

- 12 Dep. Olsen Much hinges on the introduction of the Reform Law in Sark. Until that is implemented there is a danger of the Sark issue discrediting Guernsey and if the IMF is not satisfied, the Bailiwick could be put on the International Black List causing the Finance Industry real problems in retaining a credible alternative when competing with other jurisdictions.
- 13 Mlle. Perrée Chief Pleas should delay consideration of this until the next meeting.
- 14 Dep. R. Dewe The only people who have anything to fear from this legislation are terrorists and we don't want them coming in by the back door.
- 15 Sieur Gomoll The commencement ordinances are covered in Clause 63.
- 16 Seneschal The primary legislation won't need to come back to Chief Pleas.
- 17 Sieur Gomoll Should we say that Chief Pleas pass it and Sark must submit a commencement ordinance?
- 18 Seneschal Commencement Ordinances for Bailiwick Law are always prepared and instigated by Guernsey. Normally such ordinances are cleared by Guernsey and this is the first time that Chief Pleas has the ability to vet the Ordinances.
- 19 Sieur Donnelly He declared an interest.
Agree with the reservations being shown but wished to support Guernsey in its IMF inspection. Sark has no wish to undermine Guernsey but would like to see the legislation strengthened in Sark's favour. The mechanism for challenge is a spoiling one – they pass it and we do not support it. Approval of the commencement by Sark would give us some leverage.
- 20 Seneschal Just making a "simple" change would required redrafting and further consideration by the States, then by Sark/Alderney and will delay it until early 2008. This is the final building block for the IMF visit.
- 21 Dep. R. Dewe As to the date of commencement – why does it have to be varied – it can be a universal date as was used in the Human Rights legislation.
- 22 Sieur Gomoll The Royal Court deals with any prosecutions and any fines are accredited to the Guernsey Treasurer. If a prosecution is brought in Sark it should be dealt with initially by the Seneschal's Court and any fines paid to the Sark exchequer. Will Sark be responsible for any prison costs following a successful prosecution of a case emanating from Sark? There is only an oral agreement that Sark will not be required to pay prison costs and nothing in writing.

There being no further speakers the proposition was put to the vote.

Proposition: CARRIED

That Chief Pleas approve the Projet de Loi entitled "The Forfeiture of Money, etc. in Civil Proceedings (Bailiwick of Guernsey) Law, 2007".

15 Emergency Services Committee

Committee representation

- 01 Dep. Plummer Presented the report and offered the proposition to the House.
- 02 Seneschal Pointed out that the Chief Fire Officer was no longer a member of this House.

Proposition: CARRIED

That Chief Pleas agree that any one officer from The Sark Fire and Rescue Services and one from the Ambulance Services be ex-officio on the Emergency Services Committee.

16 Medical Committee

Election of a member to the Committee

- 01 Dep. Olsen Introduced the report pointing out that closing figures for 2006/7 on the Island Insurance issue were not yet available. Support papers on 'phone masts and the tetra tower are available for reading in the Committee Room.
- 02 Seneschal Asked for further nominations of which there were none.

Proposition: ELECTED

That Chief Pleas elect **Deputy R. Dewe** to fill the vacancy left by the resignation of Madam Hester.

17 Education Committee

Information Report of the School Year.

- 01 Mdm. Magell Confessed to not writing the report but a practice of sharing duties takes place on the Education Committee to spread the workload.
- 02 Sieur Rang The idea of co-opting the Head Teacher to the Education Committee was lost at an earlier Chief Pleas meeting, so why is he invited to attend all meetings.

- 03 Mdm. Magell Because his input is invaluable, keeping the Committee up to speed on the latest practical issues affecting the school. The Teachers are now invited to attend for the first item on the agenda and this provides a useful exchange of ideas, information and resolves any problems. The teachers and Head Teacher may be asked to leave the meeting if necessary but the agenda is structured to appropriate cut-off points, leaving the Committee to discuss sensitive issues alone.
- 04 Sieur Hurden Congratulated Madame Magell for the excellent report and asked that this be passed on to the author.

18 Sea Fisheries Committee

Election of a member to the Committee

- 01 Dep. Cocksedge Madame Thorpe has been unable to attend many meetings but he thanked her for her input to the Committee. She has resigned to allow another to be elected.
- 02 Seneschal Asked for further nominations of which there were none.

Proposition: ELECTED

That Chief Pleas elect **Deputy Burgess** as a Member of the Sea Fisheries Committee.

19 Sieur Jackson & Madam Rang

Electric Bicycles and Postage stamps

- 01 Sieur Jackson Introduced the report and explained how he was able to 'cycle all the way to Little Sark (except for La Coupée) on his electric bicycle. If he could do it then workmen could use electric bicycles instead of using tractors to carry a couple of spanners about.
- 02 Mdm. Rang Supported the report and proposition.
- 03 Dep. Cocksedge The idea is fine in principle but the legislation requires doctor's approval for electric bicycle use and was so framed as to stop Guernsey residents bringing them to Sark. The Road Traffic Committee and then Chief Pleas should be looking to cap tractor numbers first.
- 04 Dep. Plummer How would it be controlled?
- 05 Mr. Rang The speed was no greater than a normal bicycle.
- 06 Dep. Olsen Supported the idea and suggested it may reduce the need for invalid carriages.
- 07 Seneschal Both are covered by legislation and the degree of disability decides which would be the better option and would be recommended by the doctor.

Proposition 1: CARRIED

That Chief Pleas request the Road Traffic Committee to investigate the feasibility of extending the use of electric bicycles, on a strictly controlled basis, to other users to reduce the number of tractors and tractor movements.

- 08 Sieur Jackson Wished to promote the idea of Sark having its own postage stamps as well as using Guernsey Post Office's stamps. Sark stamps should be available with views of Sark and Sark's way of life. It could bring in much needed funds to the Island and reduce the cost of sending post within the Island.
- 09 Dep. Dunks Referred back to the budget and pointed out that Guernsey Post pay Sark £8k per annum for not having its own stamps.
- 10 Sieur Teers Seventeen years ago this was investigated and it was going to cost some £20k to set up. Many collectors in Australia and New Zealand greatly value such stamps and that might bring in some income.
- 11 Dep. R. Dewe Sark issuing stamps has been investigated before when the late Leonard Matcham, Tenant of Brecqhou, tried to achieve it and failed. Alderney does not have its own stamps they are regional issues of Guernsey Stamps. The £8k income from Guernsey Post Office is a share of the Philatelic Bureau's profit. Too many jurisdictions have jumped on the band wagon and the bottom has fallen out of this market. For Sark to receive revenue from a reduced rate of postage for local delivery, it would have to set up a rival service, which would require premises and personnel – the legality would be in doubt and it would run at a loss.
- 12 Dep. Olsen Who is to investigate this idea, GP&A or F&C Committee?
- 13 Seneschal Both Committees need to be involved with GP&A taking the lead.
- 14 Sieur Hurden Recalled that this was the fourth time this subject had been aired at Chief Pleas. Guernsey Post Office is willing for Sark to have its own stamps but the finances do not add up and the sale of stamps is insufficient to cover the operating costs. The share in philatelic sales came from earlier negotiations with Guernsey Post Office as an alternative to Sark having its own stamps. Another alternative would be "cinderella" stamps as produced by some Scottish Islands, which are not valid for postage but purely as souvenirs and people do buy them. He volunteered if required to find out more about the system and how many are sold and the cost.

- Sieur Hurden He is aware that Brecqhou produces its own “stamps” which are sold by a dealer in Guernsey and which would be in competition with any Sark stamp....!
- 15 Seneschal Confirm the Brecqhou involvement and these are known as carriage labels.
- 16 Sieur Jackson Gave some potential figures suggesting an income of £5k per annum for Sark.
- 17 Mlle. Perrée There is a need to check with Herm.
- 18 Sieur Rang Suggested that the proposition be withdrawn and ask Sieur Hurden to investigate but there was no response to the suggestion.

Proposition 2: CARRIED

That Chief Pleas request the General Purpose and Advisory and the Finance & Commerce Committees to investigate the feasibility of Sark producing its own postage stamps and to discuss with the Guernsey Post Office the practicalities of such a suggestion.

20 Road Traffic Committee

Licence Fees for Electric Vehicles

- 01 Dep. Cocksedge Chief Pleas had asked for a licence fee for disabled vehicles. It is already in the law for fees to be charged.
- 02 Sieur Teers The fee for electric bicycles should only be £10, the same as ordinary bicycles.
- 03 Sieur Jackson Suggested it should be £20 the same as electric carriages.

Electric Bicycle Licence Fee £15 per annum
 Electric Invalid Carriage Licence Fee £20 per annum

Proposition: CARRIED

To add these two additional categories to the licence fees charged from 1st January 2008.

21 Development Control Committee

Application Charges

- 01 Sieur Baker Last time this was put forward, there was a lot of objection from members of this House with a vested interest. He reminded the meeting of the cost of using the Law Officers and perhaps occasionally seeking professional help and advice and the amount of paperwork required in processing applications. The proposal is based on the Alderney system but is totally flexible and not set in stone.
- 02 Sieur D. Spence What is commercial housing development?
- 03 Mr. Rang Alderney is about to increase its charges. The whole idea is crazy.
- 04 Sieur Curtis It will be important to have clearly defined categories especially for commercial buildings. Does this mean farm buildings? It should be the same charge for all applications.
- 05 Sieur Baker Agreed that definitions should be clear. The list shown was from Alderney and details could be obtained. It was only illustrative and the request was for the principle to be looked at by the Law Officers.
- 06 Sieur Hurden Commercial housing development must be possible to define.
- 07 Dep. Olsen The fees would go direct to the Treasury to offset the Law Officers costs. Could the Committee meet with applicants to reduce conflicts or offer more guidance?
- 08 Sieur Rang This is another tax. He spoke strongly against this last time it was presented and is surprised that it has been brought back again so soon. He agreed with Sieur Curtis. Let the DCC come back with some sensible charges.
- 09 Sieur Baker Commercial means offices or retail outlets not farm buildings. One developer on the Island indicated that charging was only fair and that it was universally accepted elsewhere.
- 10 Mlle. Bull If she needed to replace a greenhouse would she be charged commercial rates?
- 11 Sieur Jackson Greenhouses should be commercial because the produce is sold.
- 12 Dep. Olsen The proposition is asking for a draft amendment and consultation with the Law Officers. The charges shown are just for illustration and he supported the proposition.
- 13 Dep. R. Dewe Have any sums been calculated as to how much might have been raised over the last twelve months?
- 14 Sieur Baker No but it can be calculated if the decision is made to proceed in principle.
- 15 Mr. Rang Has spoke to officers at Frossard House in Guernsey and the charges are only on commercial development.
- 16 Seneschal The States have just approved the introduction of planning application charges.
- 17 Sieur Rang Will support the proposition but the level of charges must be sensible.
- 18 Sieur D. Spence The illustration is deemed inappropriate.

Proposition: CARRIED

That Chief Pleas instruct the Committee to consult with the Law Officers of the Crown to prepare a draft amendment to "The Development Control (Sark) Law, 1991" in respect of permitting charges to be made for Development Applications.

23 The Douzaine

Information report on cemeteries.

- 01 Sieur Curtis Introduced the report and thanked Sieur R. de Carteret for his help in drawing up the plan.
02 Mr. Perrée Suggested that there was a need to check the depth of soil available to dig graves at this location before cutting down the trees.

24 General Purposes & Advisory Committee

Forfeiture

Dealt with earlier in the agenda at Page 12.

25 Committee Vacancies

- 01 Dep. Armorgie Had no nomination from the Constitution 2007 Committee and none was put forward.
02 Seneschal Has asked both C07C and the GP&A Committee to discuss whether C07C should continue to sort out subordinate legislation or whether it should become the task of GP&A.
03 Dep. S. Williams Now required three new members. Before the Committee became non-quorate, it had nominated Deputy Dunks.
Deputy Dunks was **ELECTED** to replace Madam Hester on the Finance & Commerce Committee.
04 Seneschal Called for nominations from the floor to fill the remaining two vacancies on the Finance and Commerce Committee and **Sieur S. de Carteret** and **Deputy P. Williams** were **ELECTED**.
05 Dep. Melling GP&A Committee now required two new members. He had reluctantly taken on the Presidency when Sieur Raymond had resigned and he called for a vote of thanks for the work that Sieur Raymond had done during his time as a Member of Chief Pleas. This was **CARRIED** by the House.
06 Dep. Olsen On behalf of the GP&A Committee he nominated **Deputy R. Dewe** and **Sieur Baker** who were duly **ELECTED** to the Committee.
07 Dep. Melling Explained that the reason for his resignation from GP&A was personal and had nothing to do with personalities or the politics of the Committee. He was willing to be co-opted to the Committee for a period of three to four weeks to make an effective hand over.
08 Seneschal Thanked Deputy Melling for stepping into the breach as President of GP&A.

26 Ordinance Laid Before: General Purposes & Advisory Committee

The Iran (Restrictive Measures)(Sark) Ordinance 2007

- 01 Dep. Melling The fast-track procedure was used in response to a letter, dated 20th August 2007, from HM Procureur who certified that, in his opinion, it was in the public interest for early enactment of the Ordinance to take place.

Chief Pleas brought forward no motion to annul the action taken by the Committee.

Closing remarks

- 01 Seneschal Gave warning that there was a strong possibility of an Extraordinary Meeting of Chief Pleas before Christmas once the Property Transfer Tax and the Reform Law have cleared the Privy Council in order to approve any work to be done in late November and early December.

CHRISTMAS MEETING - Wednesday 16th January 2008 at 10.00am
Agenda closes on - Friday 14th December 2007 at 3.00pm.
Papers distributed - Wednesday 19th December 2007.

This meeting closed at 4.55pm.

Brian Garrard (Sark Committee Secretary) 17th -22nd October 2007

24th October 2007

Seneschal

Greffier